



**DEPARTMENT OF THE NAVY**  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5720

Ser BPMOW.cds/364

November 7, 2019

Ms. Leah Rabkin  
Kelley Drye & Warren  
3050 K Street, NW Suite 400  
Washington, DC 20007

Dear Ms. Rabkin:

This letter responds to your Freedom of Information Act (FOIA) request of September 18, 2019 in which you requested the following:

1. All data, information, and materials (including, but not limited to reports, data, assessments, memoranda, and/or documents) relied on, used to prepare, and/or otherwise pertaining to NAVFAC's July 24, 2018, presentation to the Alameda City Council entitled "Role of Tetra Tech EC (Tt EC) in the Environmental Clean-Up of Alameda Point by the United States Navy."
2. All attendee lists and/or records of individuals (including, but not limited to, Navy officials, federal, state, and local government officials, regulatory officials, and any other person) present at the July 24, 2018 meeting referenced in Request No. 1.
3. All internal Navy communications pertaining to the data, information and materials identified in Requests No. 1-2.
4. All external communications between the Navy and any third party or government agency (including, but not limited to the City and County of San Francisco, the California Department of Public Health, the California Environmental Protection Agency, the California Department of Toxic Substances Control, the United States Navy, the United States Environmental Protection Agency, the office of any local, state or federal elected official or representative, and any division or department of any of the foregoing) pertaining to the data and information identified in Request No. 1-2.

Your request was received by this office on September 19, 2019 and assigned file number DON-Navy-2019-011411. The scope of your FOIA request was modified by you via email on October 22, 2019, "to include only primary documents relied upon or used to prepare NAVFAC's July 24, 2018 presentation to the Alameda City Council entitled 'Role of Tetra Tech EC (Tt EC) in the Environmental Clean-Up of Alameda Point by the United States Navy,' all attendee lists or records of individuals present at the meeting, and internal / external Navy communications about the presentation." In addition, you agreed to pay estimated fees of up to \$4,300.

This letter provides the final determination to your request. A search for responsive records has been completed and approximately 200 potentially responsive records have been located.

Eight (8) responsive records listed below were located in the NAVFAC Administrative Record and are publically available online at the Alameda Admin Records File Search location: [https://www.navfac.navy.mil/content/navfac/en/products\\_and\\_services/ev/products\\_and\\_services/env\\_restoration/administrative\\_records.html?fromDate=DD-MON-YYYY&toDate=DD-MON-YYYY&p\\_instln\\_id=ALAMEDA\\_NAS&basic=&title=&sites=&author=&keywords=](https://www.navfac.navy.mil/content/navfac/en/products_and_services/ev/products_and_services/env_restoration/administrative_records.html?fromDate=DD-MON-YYYY&toDate=DD-MON-YYYY&p_instln_id=ALAMEDA_NAS&basic=&title=&sites=&author=&keywords=)

- Proposed Plan for IR Site 1 1943-1956 Disposal Area Former NAS Alameda
- Final Record of Decision for Installation Restoration Site 1, 1943-1956 Disposal Area, Alameda Point, Alameda, California November 2009
- Final Time Critical Removal Action Work Plan Installation Restoration Sites 1, 2, and 32, Former Naval Air Station Alameda, Alameda Point, Alameda, California March 2007
- Final Time Critical Removal Action Post-Construction Report Installation Restoration Sites 1, 2, and 32, Former Naval Air Station Alameda, Alameda Point, Alameda, California August 2009
- Final Tech Memorandum Operable Unit 2C Drain Lines A, B, G, and Industrial Waste Line, January 2016, Alameda Point, Alameda, California
- Final Project Work Plan Revision 2 Installation Restoration Sites 5 and 10 (Building 5 and 400) Storm Drain and Sewer Line, Time Critical Removal Action Former Naval Air Station Alameda, Alameda Point, Alameda, California, July 24, 2009
- Scoping Survey Report Former Smelter Area, Alameda Point, Alameda, California, May 4, 2012
- Final Status Survey Report Building 66. Alameda Point, Alameda, California, September 14, 2012

The remainder of the potentially responsive records are presently being reviewed for information that may be exempt from disclosure under the FOIA. Certain responsive records may be wholly or partially exempt from disclosure pursuant to the following exemptions to FOIA: FOIA Exemption 4 [5 U.S.C. § 552(b)(4)] which exempts from disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential; FOIA Exemption 5 [5 U.S.C. § 552(b)(5)] which exempts from disclosure records that reflect the Navy's internal deliberations the release of which could be harmful by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process; FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Responsive and non-exempt portions of records will be released to you as our review is completed.

You have agreed to pay up to \$4,300 for the processing of this request. If we find that this will not cover the cost of processing your request, we will contact you before we incur additional charges. You can then either agree to pay the additional amount or narrow the scope of your request. No payment is due at this time. A request for payment of fees will be included when the remainder of the responsive records are released to you.

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In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Mr. Anthony Megliola who may be contacted at anthony.megliola@navy.mil or 619-524-4496.

Sincerely,



LAWRENCE LANSDALE, PE  
BRAC Environmental Director